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November 9, 2022

Hon. Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: *United States v. Nicholas Tartaglione*
16 Cr. 832 (KMK)

Dear Honorable Karas:

I am writing in advance of tomorrow's status conference to ask the Court to issue a standing order permitting our client to receive visits from his mother every week at a scheduled time from this date until the trial is complete.

As the Court is aware, there have been problems with Mr. Tartaglione receiving visits since he was first incarcerated, nearly 6 years ago. I am sure I don't have to recount the litany of letters, applications or note the Court time we have spent on this. Unfortunately, the problem persists, and we are less than 5 months from the start of Jury selection.

Mr. Tartaglione has not seen his mother once since April of 2022 and only a hand full of times in the last 3 years. His relationship with her, her devotion to him and her reliance on him for emotional support and guidance (particularly after the death of her husband and Mr. Tartaglione's father on November 11, 2021) is one of the key mitigation factors we may use at the penalty phase of the trial. The refusal of the MDC and previously the MCC to allow regular visits is not only inhumane but is interfering with Mr. Tartaglione's right to mount a defense at the penalty phase of this trial where the Government is seeking his execution.

I wrote an email to the counsel for the MDC on October 27th after his mother was turned away at the door for a scheduled visit. Mrs. Tartaglione is elderly, lives in Yonkers, about 25 miles from the facility, regularly requiring a 75–90-minute ride in traffic and she can't drive at night. To date they have neither responded to the substance of my email nor even bothered to acknowledge it. The Government, recognizing the importance of these visits, has stated they will assist, if we notify them of the problems. They were copied on the letter.

We don't believe that any other solution besides a standing regular visiting schedule will be sufficient to solve this ongoing problem. A copy of this letter was emailed to Michael Cardew, Counsel to the MDC

Thank you for your consideration.

Respectfully submitted,

/s/Bruce Barket
Bruce A. Barket
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cc: All counsel

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